

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

SHIRLEY A. CREED, *Individually, as
Executrix of the Estate of Edward I. Creed,
Deceased, and on Behalf of the Wrongful
Death Beneficiaries of Edward Creed*

PLAINTIFF

VS.

CIVIL ACTION NO. 4:07cv49-HTW-LRA

BEVERLY ENTERPRISES-MISSISSIPPI, INC.

DEFENDANT

ORDER OF DISMISSAL

The parties appeared on this date for a settlement conference and have announced that they have reached a compromise and settlement of all pending claims in this matter, subject to approval by the Chancery Court of Lauderdale County. Accordingly, the Court being desirous of removing this matter from its docket;

IT IS, THEREFORE, ORDERED that this action be, and it is hereby dismissed with prejudice as to all parties. If any party fails to consummate this settlement within sixty (60) days after Chancery Court approval is granted, any aggrieved party may reopen the case for enforcement of the settlement agreement; and if successful, all additional attorneys' fees and costs from this date shall be awarded such aggrieved party or parties against the party failing to consummate the agreement. In the event Chancery Court approval is denied, counsel for the parties shall immediately contact the Court.

IT IS FURTHER ORDERED AND ADJUDGED that this matter having been concluded, all motions pending in this matter, if any, are hereby moot and accordingly dismissed.

SO ORDERED October 2, 2007.

s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE